

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

LILLIAN GAMBILL as Personal  
Representative of the Estate of Dorothy  
Lorene Evans, deceased,

Plaintiff,

vs.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

Case No.11-CV-802-JED-FHM

**OPINION AND ORDER**

Plaintiff's Motion for Leave of Court to conduct a deposition after the expiration of the discovery deadline, [Dkt. 205], has been referred to the undersigned United States Magistrate Judge for decision. Defendants filed a response brief, [Dkt. 207], no reply brief was filed.

The discovery deadline in this case expired on August 13, 2013. [Dkt. 92]. Plaintiff's July 27, 2015, motion seeks permission to take the deposition of John Karr. Mr. Karr, a former firefighter, was first on the scene of the fire that is the subject of this lawsuit.<sup>1</sup> He made observations about where smoke and fumes were coming out of the house. His recorded statement, [Dkt. 143-1], was taken by Plaintiff's expert, Randel Overton who was working on behalf of the property insurer at the time.

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<sup>1</sup> Plaintiff's motion referred the court to other briefs filed in this case. The information about Mr. Karr, the content of his statement, and the timing of events in this case was obtained from those briefs and attachments. [Dkt. 115, 143].

It is a far better practice to set out all arguments and facts in support of a motion in that motion rather than leave it to the court to sort through other briefs to find what might strike the court as pertinent information.

On September 6, 2016, the Court entered an Order permitting Mr. Karr to be added to Plaintiff's witness list. [R. 218]. Based on that Order, the undersigned finds that the parties should be afforded an opportunity to depose Mr. Karr.

Plaintiff's Motion, [Dkt. 205], is GRANTED. Mr. Karr may be deposed once before October 31, 2016, with both parties having an opportunity to question him.

SO ORDERED this 13th day of September, 2016.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE